

ST. MARY'S COUNTY
BOARD OF COUNTY COMMISSIONERS' MEETING
GOVERNMENTAL CENTER

Tuesday, February 7, 2006

Present: Commissioner President Thomas F. McKay

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George G. Forrest, County Administrator

Glenda Dennis, Administrative Assistant (Recorder)

**The meeting was called to order at 9:13
am.ADDITIONS/DELETIONS TO AGENDA**

Commissioner President McKay requested that a discussion regarding extending the deadline for the Senior Tax Cap program be added to the Agenda before County Administrator Time.APPROVAL OF THE MINUTESCommissioner Dement moved, seconded by Commissioner Mattingly to approve the minutes of the Commissioners meeting of Thursday, January 12, 2006

Commissioner Jarboe moved, seconded by Commissioner Raley, to approve the minutes of the Commissioners' meeting of Tuesday, January 31, 2006. Motion carried 5-0.APPROVAL OF CHECK REGISTERCommissioner Raley moved, seconded by Commissioner Jarboe, to authorize the Commissioner President to sign the Check Register as presented. Motion carried 5-0.DEPARTMENT OF HUMAN RESOURCES: PRESENTATION OF COUNTY EMPLOYEES SICK DAY CLUB AWARDS

**Present: Sue Sabo, Director, Human Resources
Department; June Robrecht, Deputy Director**

The Board of County Commissioners presented awards in recognition of the following individuals who have accumulated sick leave balances in multiples of 100 days as of December 31, 2005:100 Day Club: Department of Aging – Peggy Maio

Department of Land Use and Growth Management – Sue Veith

Department of Finance – Cynthia Dyson

Not Present: Sheriff's Office – Mark Howard, Wayne Milam, Louis Mileto, Joseph Somerville

Department of Aging - Alice Allen200 Day Club: Dept. of Recreation, Parks and Comm. Services – David Guyther

Dept. of Recreation, Parks and Comm. Services – Lucy Erskine300 Day Club: (Not present) DECD – Joseph Holly400 Day Club: Department of Public Works – Howard "Tony" Adams

COUNTY ATTORNEY'S OFFICE: THE COMMISSIONER'S 2006 LEGISLATIVE PACKAGE

Present: Heidi Dudderar, Deputy County Attorney

Ms. Dudderar presented an update on the status of each proposal in the Board's 2006 Legislative Package that included hearing dates and notification of which bills are still in drafting.

The Commissioners requested that they be notified if anything unexpected was to come up at the hearings and asked that someone be available to attend the hearings. Ms. Dudderar will work with the appropriate County department and concerned citizens to ensure representation at the hearings.

AMENDMENT TO THE SENIOR PROPERTY TAX CREDIT PROGRAM

Commissioner President McKay asked that Board consider authorizing staff to advertise a public hearing to amend the Senior Property Tax Credit Ordinance to change the deadline, which is currently December 31, 2005, and extend it to April 15, 2006. Commissioner Jarboe moved, seconded by Commissioner Dement, to authorize staff to prepare the necessary documents to

conduct a public hearing as soon as possible, with the process concluding prior to March 15, for the purpose of proposing an Amendment to the Senior Property Tax Credit Ordinance that will extend the deadline for application to April 15, 2006. Motion carried 5-0.

If the proposed amendment is adopted, staff will ensure that the public is made aware of the extended deadline through an extensive and diverse media campaign.

STUDENT PRESENTATION Present: Lynne Morgan Smoot, Supvr. of Instruction for Fine Arts; Barbara Hodges, Teacher and Elizabeth White Administrative Assistant

Ms. Morgan Smoot introduced the 3rd Grade class from Piney Point Elementary School. The students gave a presentation for African-American History Month and received commendations from the Commissioners.

COUNTY ADMINISTRATOR TIME

1. Draft Agendas for February 14 and 21, 2006.

Mr. Forrest reminded the Commissioners of the Public Forum to be held at the Lexington Park Library on February 14, 2006, and of the Budget Work Session scheduled for Friday, February 10, 2006 in Room 14. Commissioner McKay asked that the Consent letter addressing the issue of generators for the radio station be revised to include that the "Code Red System" was purchased and installed in response to this issue.

2. Emergency Communications Center (*Timothy K. Cameron, Director, Public Safety and Timothy I. Bennett, Manager, Emergency Management Division, Public Safety*)

Commissioner Mattingly moved, seconded by Commissioner Dement, to approve the 2006 Hazardous Materials Emergency Preparedness Grand Award and authorize the Commissioner President to sign the budget amendment decreasing the grant project by \$1,277 in order to align the budget to the grant award. Motion carried 5-0.

3. Department of Economic and Community Development (*John Savich, DECD Director and Donna K. Sasscer, Agriculture Manager*)

a. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the Release of St. Mary's County Agriculture Land Preservation Agreement for Leonard B. Johnson Estate. Motion carried 5-0.

b. Commissioner Raley moved, seconded by Dement, to approve and authorize the Commissioner President to sign the Release of St. Mary's County Agriculture Land Preservation Agreement for Indiantown Farm Inc., Mr. Sydney Moreland. Motion carried 5-0.

(Elaine Kramer, Chief Financial Officer)

c. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve a letter to the Maryland Agriculture Land Preservation Foundation committing \$2,000,033 of County funds and \$698,461 in funding from the Tobacco Master Settlement Agreement for the FY 2006 easement applicants. Motion carried 5-0.

DECD and Finance Department are preparing a spread sheet that will provide the Commissioners with what has been committed to MD Agricultural Land Preservation Foundation and future plans.

4. Department of Recreation, Parks and Community Services *(Phil Rollins, Director)*

a. Commissioner Mattingly moved, seconded Commissioner Raley, to approve and authorize Commissioner President to sign the Alcohol Beverage License Renewal Application for the Wicomico Shores Golf Course. Motion carried 4-1, Commissioner Jarboe voted no.

5. Department of Finance *(Elaine Kramer, Chief Fin. Officer, Jeannett Cudmore, Deputy Dir. Of Finance)*

a. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and sign the Resolutions for the Public Facilities and Refunding Bonds of 2003 to reapply Bond Proceeds of \$120,160 to other projects as identified. Motion carried 5-0.b. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve the Resolution for the Consolidation Public Improvement Bonds of 2005 to reapply Bond Proceeds of \$242,254 to other projects, as identified. Motion carried 5-0.c. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President McKay to sign two budget amendments that sweep excess health costs budgeted, but now available due to the health refund received, and to sign the 15 budget amendments that re-align salary, FICA, workers compensation, and health, to match current projections. Motion carried 5-0.6. Department of Public Works and Transportation *(George Erichsen, Director, Mr. William Russell, Building Services Manager)*

a. Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the budget amendment to move funds from the Commissioners' Emergency Appropriations account into the Public Works Building Services Division Utilities account in the amount of \$206,411. Motion carried 5-0.b. Commissioner Raley moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign the budget amendment to move funds from the Commissioners' Emergency Appropriations account into the Public Works Building Services Division oil account in the amount of \$155,458. Motion carried 5-0.c. Commissioner Dement moved, seconded by Commissioner Raley, to approve and authorize Commissioner President to sign the budget amendment to move funds from the Commissioners' Emergency Appropriations account into the Public Works Building Services Division, Water, Sewer, and Trash Account, in the amount of \$16,268. Motion carried 5-0.d. Commissioner Dement moved, seconded by Commissioner Raley, to

approve and authorize Commissioner President to sign the budget amendment to move funds from the Commissioners' Emergency Appropriations account into the Public Works Carter State Office Building Division oil account in the amount of \$133,000. Motion carried 5-0.

Commissioner Dement moved, seconded by Commissioner Raley, to amend this motion to change the words "oil account" to "utility account". Motion carried 5-0.e. Commissioner Mattingly moved, seconded by Commissioner Jarboe, to approve and authorize Commissioner President to sign Public Works Agreement Addendum for Hanover at Breton Bay Subdivision, located in the 3rd Election District, with an expiration date of January 1, 2007.

(FYI, roads included are: Hanover Drive (2,009'), Hanover Court (299'), Hanover Woods Court (746'), Orchard Court (350') and Barn Court (744')). Motion carried 5-0.

f. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the Public Works Agreement for Forest Knolls Two Subdivision, located in the 4th Election District, with an expiration date of March 1, 2007. *(FYI, road included is: Delibera Court (40')). Motion carried 5-0.*

g. Commissioner Mattingly moved, seconded by Commissioner Raley, to approve and authorize Commissioner President to sign the Easement Agreement between the Board of County Commissioners for St. Mary's County, Maryland and Southern Maryland Electric Cooperative, Inc. for the purpose of providing electrical service at Dahlia Park in Wildewood, 6th Election District. Motion carried 5-0.

7. Department of Land Use and Growth Management (*Denis Canavan, Director*)

a. Commissioner Jarboe moved, seconded by Commissioner Dement, to approve and authorize Commissioner President to sign the budget amendment transferring funds from the vacant salaries account to the temporary, part-time account, in order to continue two temporary, part-time positions in the Dept. of Land Use and Growth Management. Motion carried 5-0.

(Phil Shire, Planner)

b. Commissioner Jarboe moved, seconded by Commissioner Mattingly, to approve and authorize Commissioner President to sign the proposed instrument of final transfer for two (2) transferable development rights (TDRs) for one (1) additional lot in the RPD Zone (Subdivision case file #05-110-024, Queentree Knolls, resubdivision of Lot 6 in accordance with Chapter 26 and Schedule 32.1 of the comprehensive zoning ordinance. Motion carried 5-0.

DEPARTMENT OF LAND USE AND GROWTH MANAGEMENT

Present: Denis Canavan, Director, Sue Veith, Environmental Planner

Zoning Text Amendment for the Purpose of Amending the Transfer Development Right (TDR) Provisions ("First Reading")

Mr. Canavan briefed Commissioners on the work that has been accomplished to date on the proposed amendment and outlined the sections of the Zoning Ordinance that would be revised:

- **a change in calculating the number of TDRS on a sending property to 1 TDR per 5 acres using gross acreage, rather than the existing formula of one TDR per three acres after first deducting from the gross acreage all acreage associated with sensitive areas.**
- **continue to provide the opportunities to transfer TDRs from sending area in the Rural Preservation District (RPD) to receiving areas in the RPD, however, each additional dwelling after the initial dwelling on a property would be required to purchase TDRs.**
- **for receiving areas in the RPD, increase the number of TDRs required for each anticipated dwelling as shown on a submitted subdivision plan. The number required TDRs will vary as the density increases from one dwelling unit per 5 acres up to a maximum of one dwelling unit per three acres.**
- **prohibit the use of TDRs for a greater density than one dwelling until per five acres in the Rural Legacy Areas. This is also an initiative already introduced in a separate text amendment.**
- **clarify the certification provisions for documenting TDRs on a property by assigning an individual serial number to each TDR, and using it for tracking purposes from sending to receiving area.**
- **clarify the language covering the instruments of transfer conveying the TDRS from the sending property to the receiving area. These included the original, intermediate and final instruments.**
- **add grandfathering provisions that recognize the previous use of TDRS and plans that have already been filed and in the development process.**
- **limit the means of increasing residential density by using TDRS and providing affordable housing.**

In order to move forward and allow a greater public awareness and participation in the process,

Mr. Canavan requested that the Commissioners allow the text amendment to proceed to the Planning Commission for their review and recommendation. Commissioner Raley moved, seconded by Commissioner Jarboe, to direct staff to by-pass the next step of a "second reading" by the Commissioners and to send the proposed zoning text amendment for the purpose of amending the TDR provisions of the Comprehensive Zoning directly to the Planning Commission for public comment. Motion carried 5-0.

Commissioner Raley asked that Mr. Canavan pass on his concerns to the Planning Commission that when a new dwelling is constructed on a property that is already improved by an existing dwelling, this new dwelling would require a TDR.

Discussion of School Enrollment Capacity Figures (APF Ordinance)

Mr. Canavan presented the Annual Report on School Capacity. The Department of Land Use and Growth Management uses the official Full-time Equivalent enrollment numbers from the Board of Education when determining adequacy of schools to accommodate new subdivisions as required by the Comprehensive Zoning Ordinance.

The tables entitled "Remaining Capacity by Service Area" were reviewed with the conclusion being that the Northern and Central service areas are "shut down" for preliminary plan approval of major subdivisions due to inadequate school capacity. Within the Southern service area there are 493 seats available at the elementary school level, 145 at the middle school level and 201 at the high school level; this translates to 1,359 lots that could be approved as major subdivisions within the Southern service area. Notwithstanding a delay in the approval of major subdivisions, development within the Central and Northern service areas is expected to continue as minor subdivisions are recorded and as parcels of record are improved. Major subdivisions proposed within the Northern or Central service areas may

proceed to preliminary plan, demonstrating compliance with all requirements other than a finding of adequacy of school capacity. At that point, the proposals will be placed in a queue to await availability of capacity.

Mr. Canavan reviewed the factors that could change capacity status. He noted that it is anticipated that growth will continue at a rate of 2% per year and the demand for new subdivisions will remain strong. The County will continue to monitor the impacts of growth and to find a balance that will ensure adequate supply of residential building sites and school capacity.

SOUTHERN MARYLAND ELECTRIC COOPERATIVEThe Commissioners attended a luncheon and briefing on SMECO's programs and services at the District Office in Leonardtown.**SOUTHERN MARYLAND TRI COUNTY COMMUNITY COMMITTEE (SMTCCAC)**

Proclamation: Energy Assistance Month *Swynice Hawkins, President, SMTCCAC, Ruth Harrod, Dir., Office of Home Energy Programs; Mark Jones, Sr., V.P. of Board of Directors, member of SMTCCAC)*

The Commissioners presented a proclamation to SMTCCAC that recognizes the volunteers and staff and dedicates February as "Energy Assistance Month." Ms. Harrod and Mr. Jones spoke on the programs offered at the Office of Home Energy.

Update: Hunting Creek/Willows Road Property Project (Swynice Hawkins, President, SMTCCAC; Corbin Anderson, V.P. of Osprey Property Co. – Developer)

Ms. Hawkins and Mr. Anderson provided an update on the Hunting Creek Project. SMTCCAC recently received notification from the Maryland Department of Housing and Community Development that Low-Income Housing Tax Credits in the amount of \$809,411 have been awarded for the project. Project goal dates include: Construction of infrastructure started by September 2006; substantial completion of the multi-family portion of project by April 2007; and construction started on the homes within the homeownership portion of the project before the end of 2006.

DEPARTMENT OF ECONOMIC AND COMMUNITY DEVELOPMENT (DECD) AND SMTCCAC: AMENDMENT TO MEMORANDUM OF UNDERSTANDING (MOU) REGARDING HUNTING CREEK (John Savich, Dir., Dept. of Economic and Community Development; Denis Nicholson, Executive Director, Housing Authority; John Norris, County Attorney)

Mr. Savich presented a "First Amendment of the Memorandum of Understanding between SMTCCAC and the Board of County Commissioners" that changes the definition of "Affordable Housing." The Amendment states that all rental units will be maintained at monthly rents that do not exceed maximum allowable Low Income Housing Tax Credit rents for similar units in St. Mary's County, and that purchase prices for all for-sale housing units will be at levels such that no low-income family spends more than 30% of its annual income on housing. The Amendment synchronizes the MOU with other requirements of the Community Development Block Grant project. Commissioner Raley moved, seconded by Commissioner Dement, to approve and authorize the Commissioner President to sign the First Amendment of the Memorandum of Understanding between Southern Maryland Tri-County Community Action Committee and the Board of County Commissioners as presented. Motion carried 5-0. **RECREATION AND PARKS BOARD AND DEPARTMENT OF RECREATION, PARKS AND COMMUNITY SERVICES** (Phil Rollins, Director; Art Shepherd, Rec. Div. Mgr; Dr. Andrew Roper, Chair, Rec and Parks Board; Mr. Coleman Hillman and Mr. Bob Harper, members)

"RAISING COMMUNITY STANDARDS IN YOUTH SPORTS"

Mr. Rollins presented a proposal for a "Raising Community Standards in Youth Sports" initiative that focuses on the following key strategies: communities should have a trained professional youth sports administrator; communities should require training for league administrators, coaches and parents to ensure accountability prior to being granted use of public facilities; and communities should require an effective screening process for volunteers. The final draft of the initiative was presented to the Recreation and Parks Board on February 2, 2006, to reconfirm their previous support of the program. The target date for implementation of the proposed program is fall 2006.

ST. MARY'S COUNTY YOUTH FOOTBALL PROGRAM PROPOSAL

Mr. Rollins presented a proposal to establish the St. Mary's County Youth Football Program. The Recreation, Parks and Community Services staff would serve as the league director for the new

program. One or more community-based youth football organizations would be established in northern, central, and southern areas of the County. The primary purpose of these organizations is to establish football and cheerleading teams in various age and weight divisions and supervise weigh-ins; establish league rules and regulations; assign practice facilities; prepare game schedules; coordinate the scheduling of officials; supervise game fields; and provide other league administration. The Department will need an additional FTE position in FY07 – a sports staff person to handle the football league administration and to help manage the Raising Community Standards initiative with other youth sports leagues. That cost would be approximately \$50,000 per year for salary and benefits. \$25,000 in County funds is recommended to fund an annual scholarship program for low and moderate income families who are unable to pay the full fee for participating in football or other youth sports programs.

Members of the audience were asked to come forward and comment on the proposals.

The Commissioners agreed to the following: staff will coordinate meeting with representatives from each of the leagues; determine a way for Commissioners to receive input from the Pigskin Football League Board of Directors; and to place both proposals presented by Mr. Rollins back on the Commissioners' agenda a month from today.

COMMISSIONERS' TIME

Commissioner Dement

Congratulated Patty Robrecht on her retirement after 35 years.

Attended the METCOM Meeting on the St. Clements Shores Sewer Project.

Attended the Maryland National Guard Ribbon Cutting Ceremony.

Commissioner Mattingly

Attended METCOM Meeting on the St. Clements Shores Sewer Project and encourage people to continue getting information and staying with the project and not to get discouraged.

Congratulated Commissioner Jarboe on the 2006 Public Forum on Clean Energy.

Received a call regarding the need to drain St. Mary's Lake. Suggested getting a public briefing on this and let the public know the status of the lake and what's going on, even though this does not come under the Commissioners' jurisdiction.

Commissioner Jarboe

Attended the 2006 Public Forum on Clean Energy, which was well attended.

At the Northern Senior Center on the first Sunday of every month, there is country music from 6:00 p.m. to 9:00 p.m. A \$2.00 donation goes toward the Senior Center for upgrades. Anyone who enjoys country music is encouraged to attend.VOTE TO MOVE INTO EXECUTIVE SESSIONCommissioner Jarboe moved, seconded by Commissioner Raley, to move into Executive Session as provided for in Articles 24, Section 4-210(a)11, Real Property and Section 4-210(a)I, Personnel. Motion carried, 4-1. Commissioner Jarboe voted no.EXECUTIVE SESSION

Real Property

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

John B. Norris, County Attorney

Phil Rollins, Director, Dept. of Recreation and Parks

Liz Passarelli, Real Property Manager

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)11

Time Held: 4:50-5:28 pm.

Action taken: The Commissioners discussed real property acquisition matters.

Personnel

Present: Commissioner Thomas F. McKay, President

Commissioner Kenneth R. Dement

Commissioner Lawrence D. Jarboe

Commissioner Thomas A. Mattingly, Sr.

Commissioner Daniel H. Raley

George Forrest, County Administrator

Sue Sabo, Director, HR

Donna Gebicke, Administrative Assistant to the BOCC, Recorder

Authority: Article 24, Section 4-210(a)1

Time Held: 5:28 – 6:00 pm.

Action taken: The Commissioners discussed real property acquisition matters. ACTION FROM EXECUTIVE SESSION

Commissioner Jarboe moved, seconded by Commissioner Mattingly, to direct staff to proceed as discussed in Executive Session on matters related to personnel and real property, and to note for the record that applications for positions on Boards and Committees were not discussed during Executive Session. Motion carried. 5-0. ADJOURNMENT

The meeting adjourned at 6:02 pm.

Minutes approved by the Board of County Commissioners on _____

Glenda Dennis, Administrative Assistant